(	ase 3:02-cv-00084-DMS-RBB Document 483 Filed 05/05/25 PageID.13982 Page  1 of 8  MAY 0 5 2025				
1	CLERK, U.S. DISTRICT COURT				
2	IN THE UNITED STATES DISTRICT COURT  SOUTHERN DISTRICT OF CALIFORNIA BY DEPUTY				
3	For the Southern District of California				
4					
5	SECURITIES AND EXCHANGE ) COMMISSION )				
6	Plaintiff, )				
7	v. ) Case No. 02cv84 DMS (RBB)				
8	JAMES E. FRANKLIN, Defendant.				
9					
10					
11	NOTICE OF LODGMENT OF SUPPLEMENT TO MOTION TO VACATE				
12	JUDGMENT AND DECLARATION OF JAMES E. FRANKLIN				
13					
14	TO ALL PARTIES AND TO THE CLERK OF THE COURT:				
15					
16	DI FACE TAKE NOTICE de la Defendant leure E Ferrillie leure la la collection de la Collecti				
17	PLEASE TAKE NOTICE that Defendant James E. Franklin hereby lodges the following				
18	documents in support of his previously filed Motion to Vacate Judgment:				
19	1. Supplemental Argument in Support of Motion to Vacate Judgment (Constitutional				
20	Violation: Ongoing Punitive Stigma-Plus Effect); and				
21	2. <b>Declaration of James E. Franklin</b> in Support of Motion to Vacate Judgment.				
22	2. Declaration of Games 12. Frankin in Support of World to Vacate studgment.				
23	These documents further support Defendant's Motion to Vacate Judgment by demonstrating				
24	additional constitutional violations based on the evolution of internet publication technologies				
25	and the ongoing punitive stigma resulting from the judgment's perpetual online presence.				
26					
27	1				
28					

	Case 3:02-cv-00084-DMS-RBB Doc	ument 483 2 of 8	Filed 05/05/25	PageID.13983	Page
1	IN THE UNITED	STATES DI	STRICT COURT	,	
2	For the Southern District of California				
3	SECURITIES AND EXCHANGE	)			
4	COMMISSION Plaintiff,	ý			
5		)	Care No. 02941	DMC (DDD)	
6	V.	)	Case No. 02cv84	омз (квв)	
7	JAMES E. FRANKLIN, Defendant.	)			
8	3				
9	TABL	E OF CONT	ENTS		
10	Document			Page	
11	N. C. L. L. C.				
12	Notice of Lodgment of Supplen Vacate Judgment and	ent to Motion	n to	1	
13	3 Declaration of James E. Franklin				
14	Exhibit 1: Supplement to M Judgment	otion to Va	cate		
15	(Constitutional Violation: Or	ngoing Puni	Punitive 3	3	-
16	Stigma-Plus Effect)	igomg Tum			
17					
18	Exhibit 2: Declaration of Jame Support of Motion to Vacate Judg		ı in	7	
19					
20					
21					
22					
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27		3			
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	ase 3:02-cv-00084-DMS-RBB Document 483 Filed 05/05/25 PageID.13984 Pa	e			
	3 of 8				
	MAY 0 5 20	25			
1	IN THE UNITED STATES DISTRICT COURT CLERK, U.S. DISTRICT	COURT			
2	For the Southern District of California  SOUTHERN DISTRICT OF  BY  BY	CALIFORNIA DEPUTY			
3	SECURITIES AND EXCHANGE )				
4	COMMISSION				
5	Plaintiff, )				
6	v. ) Case No. 02cv84 DMS (RBB)				
7 8	JAMES E. FRANKLIN, Defendant.				
9					
10					
11	SUPPLEMENTAL ARGUMENT IN SUPPORT OF MOTION TO VACATE JUDGMENT				
12	(Constitutional Violation: Ongoing Punitive Stigma-Plus Effect)				
13		-			
14					
15					
16	Defendant submits this Supplement to his Motion to Vacate Judgment to raise an additional constitutional argument				
17	based on evolving internet publication technologies and recent Supreme Court precedent impacting the judgment's				
18	ongoing punitive effect.				
19					
20	INTRODUCTION				
21	Defendant James E. Franklin respectfully supplements his Motion to Vacate the Judgment to				
22	raise an additional constitutional violation that has emerged through technological and legal				
23	changes since the original judgment was entered. The perpetual, amplified online publication of				
24	the civil judgment through modern internet search engines, such as Google, constitutes a				
25	continuing punitive measure that was not foreseeable at the time of adjudication, and has resulted				
26					
27	4				
28					

business contracts, employment opportunities, and financial relationships, as a direct result of the published judgment. The government's action in stigmatizing Defendant, coupled with these economic injuries, amounts to a deprivation of a protected liberty interest without due process of law.

Pade

PageID.13985

## IV. Chevron Overturning Strengthens the Scrutiny of SEC Conduct

4. Following the Supreme Court's recent overturning of *Chevron* deference, the SEC's practices must now be evaluated strictly against statutory authority. No statute expressly authorizes the SEC to create a perpetual, punitive blacklist by online publication of civil judgments. In the absence of clear congressional authorization, the Court must carefully review the SEC's publication practices under constitutional principles, not agency interpretation.

## **CONCLUSION**

For the foregoing additional reasons, Defendant respectfully requests that this Court vacate the judgment entered against him. In the alternative, Defendant requests the Court hold an evidentiary hearing to allow for full development of the record regarding the ongoing punitive consequences of the judgment's internet publication.

Respectfully submitted,

James E. Franklin

jayvonfrank@gmail.com

24 | Ramona, California

25 | Dated: April 28, 2025

(	ase 3:02-cv-00084-DMS-RBB Document 483 Filed 05/05/25 PageID.13986 Page 5 of 8						
	The Confirm Page						
	MAY 0 5 2025						
1	IN THE UNITED STATES DISTRICT COURT  CLERK. U.S. DISTRICT COURT  For the Southern District of California  BY  SOUTHERN DISTRICT OF CALIFORN						
2	SECURITIES AND EXCHANGE						
3	COMMISSION ) Plaintiff,						
5							
6							
7	JAMES E. FRANKLIN, Defendant.						
8							
9	DECLARATION OF JAMES E. FRANKLIN IN SUPPORT OF MOTION TO VACATE JUDGMENT						
10	I, James E. Franklin, declare as follows:						
11	I am the Defendant in the above-captioned case. I make this Declaration in support of my						
12	Motion to Vacate the Judgment entered against me.						
13	2. At the time the judgment was entered, internet search technologies were in their early						
14	stages of development, and I could not have foreseen that the judgment would become						
15	globally accessible and algorithmically promoted indefinitely.						
16	3. As a direct result of the continued online publication of the judgment by the SEC and its						
17	prominent indexing by Google and other search engines, I have suffered significant						
18	economic harm, including but not limited to:						
19 20	<ul> <li>Loss of business opportunities.</li> </ul>						
21	<ul> <li>Denial of employment based on background searches.</li> </ul>						
22	o Inability to secure investment for lawful business ventures.						
23							
24	o Reputational narm that continues to affect my professional and personal life.						
25							
26							
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C	case 3:02-cv-00084-DMS-RBB Document 483 Filed 05/05/25 PageID.13987 Page 6 of 8					
-	Final Designation of the Control of					
1	MAY 05 2025					
2	For the Southern District of California CLERK US DISTRICT COURT					
3	BYDEPUT					
4	SECURITIES AND EXCHANGE ) COMMISSION )					
5	Plaintiff, )					
6	v. ) Case No. 02cv84 DMS (RBB)					
7	JAMES E. FRANKLIN, Defendant.					
8						
9	CERTIFICATE OF SERVICE					
10	I, James E. Franklin, certify that on April 28, 2025, I caused a true and correct copy of the					
11	following document:					
12	1. Supplemental Argument in Support of Motion to Vacate Judgment (Constitutional					
13	Violation: Ongoing Punitive Stigma-Plus Effect); and 2. <b>Declaration of James E. Franklin</b> in Support of Motion to Vacate Judgment.					
14						
15	to be served as follows:					
16	Via Email to:					
17	James P. Connor					
18	U.S. Securities and Exchange Commission 202-551-8394					
19	(Service by email only)					
20	Via First-Class U.S. Mail to:					
21						
22	Clerk of Court U.S. District Court, Southern District of California					
23	333 West Broadway, Suite 420					
24	San Diego, CA 92101					
25						
26						
27	9					
28						

Case 3:02=CV-00084-DMS-RBB

Document 483 7 of 8

Filed 05/05/25 PageID.13988 Page

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